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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,082

09/19/2006

Marc W.G. Ponjee

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06/16/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

KIM, JAY C

ART UNIT

PAPER NUMBER

2815

MAIL DATE

DELIVERY MODE

06/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,082	Applicant(s) PONJEE ET AL.	
	Examiner JAY C. KIM	Art Unit 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4,7,9-14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/25/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Election filed March 12, 2009.

Election/Restrictions

1. Applicants' election without traverse of species b, subspecies I and sub-species i, claims 1-3, 5, 6, 8 and 15, in the reply filed on March 12, 2009 is acknowledged. Claims 4, 7, 9-14 and 16 are withdrawn from further consideration as being drawn to a nonelected species.

Claim Objections

2. Claims 1, 2, 5, 6, 8 and 15 are objected to because of the following informalities: in claims 1, 2, 5, 6, 8 and 15, numerals in parentheses should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 recites the limitation "the vicinity" on line 3. There is insufficient antecedent basis for this limitation in the claim. Claims 6 and 8 depend on claim 5, and therefore claims 6 and 8 are also indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2815

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 6, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (US 6,933,532).

Regarding claims 1 and 2, Arnold et al. disclose an active matrix display device (col. 4, lines 20-27) comprising an array of display pixels (Fig. 1A) provided over a common substrate (12) (col. 2, line 42), each pixel (Fig. 1A) comprising a drive transistor circuit (14) (col. 2, lines 42-44) provided over the substrate (12), and an upwardly emitting current-driven light emitting display element (19) (col. 3, lines 30-33) provided over the drive transistor circuit (14), and comprising a lower electrode (18) (col. 3, line 18) and an upper substantially transparent electrode (30) (col. 3, lines 10-11), and a light sensitive device (13) (col. 3, line 17) for sensing the display element (19) light output and positioned between the substrate (12) and the display element (19), wherein a drive transistor (transistor in 14) of the drive transistor circuit (14) is controlled in response to the light-sensitive device (13) output (col. 3, lines 35-38), and wherein at least a portion of a transmitted light is *inherently* directed to the underlying light-sensitive device (13) (col. 3, lines 20-24) (claim 1), wherein the lower electrode (18) comprises a metal layer (col. 3, lines 26-28) (claim 2).

Arnold et al. differ from the claimed invention by not showing that the lower electrode of the display element is partially transmissive to transmit at most 20% of the light incident on the lower electrode (claim 1), wherein the lower electrode has a transmission of 1% to 10% (claim 2).

Art Unit: 2815

It would have been obvious to the one of ordinary skill in the art at the time the invention was made that the lower electrode 18 of the display element 19 disclosed by Arnold et al. may be partially transmissive to transmit at most 20% of the light incident on the lower electrode and may have a transmission of 1% to 10% depending on the material being used and the thickness to improve electrical contact and light output. Further, the claims are prima facie obvious without showing that the claimed ranges of a transmission achieve unexpected results relative to the prior art range. *In re Woodruff*, 16 USPQ2d 1935, 1937 (Fed. Cir. 1990). See also *In re Huang*, 40 USPQ2d 1685, 1688 (Fed. Cir. 1996) (claimed ranges of a result effective variable, which do not overlap the prior art ranges, are unpatentable unless they produce a new and unexpected result which is different in kind and not merely in degree from the results of the prior art). See also *In re Boesch*, 205 USPQ 215 (CCPA) (discovery of optimum value of result effective variable in known process is ordinarily within skill of art) and *In re Aller*, 105 USPQ 233 (CCPA 1955) (selection of optimum ranges within prior art general conditions is obvious).

Regarding claim 3, Arnold et al. differ from the claimed invention by not showing that the lower electrode comprises a metal film of 10nm to 60nm.

The claim is prima facie obvious without showing that the claimed range of thickness achieves unexpected results relative to the prior art range. *In re Woodruff*, 16 USPQ2d 1935, 1937 (Fed. Cir. 1990). See also *In re Huang*, 40 USPQ2d 1685, 1688 (Fed. Cir. 1996) (claimed ranges of a result effective variable, which do not overlap the prior art ranges, are unpatentable unless they produce a new and unexpected result

Art Unit: 2815

which is different in kind and not merely in degree from the results of the prior art). See also *In re Boesch*, 205 USPQ 215 (CCPA) (discovery of optimum value of result effective variable in known process is ordinarily within skill of art) and *In re Aller*, 105 USPQ 233 (CCPA 1955) (selection of optimum ranges within prior art general conditions is obvious).

Regarding claims 5 and 6, Arnold et al. further disclose for the device as claimed in claim 1 that the lower electrode (18) comprises a substantially opaque layer provided with an opening (29) (col. 3, lines 21-22) in a vicinity of the light sensitive device (13) (claim 5), wherein a substantially transparent conductive material is provided in the opening (29) (col. 3, lines 51-54) (claim 6).

Regarding claim 8, Arnold et al. further disclose that the light sensitive device (13) is positioned beneath and laterally to one side (bottom side) of the opening (29).

Regarding claim 15, Arnold et al. further disclose for the device as claimed in claim 1 that the substrate (12) may comprise a glass substrate (col. 4, lines 64-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAY C. KIM whose telephone number is (571)270-1620. The examiner can normally be reached on 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2815

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. K./

Examiner, Art Unit 2815

June 4, 2009

/Kenneth A Parker/

Supervisory Patent Examiner, Art Unit 2815